

1 JUDGE SIPPEL: We'll mark that for identification
2 at this point.

3 (The document referred to was
4 marked for identification as
5 Appendix A.)

6 JUDGE SIPPEL: Now, are we going to run into a
7 problem -- I guess there are enough numbers within this
8 exhibit internally to be able to distinguish it in findings
9 and cross-examination.

10 MR. HUTTON: This one is --

11 JUDGE SIPPEL: That's a -- yes, I would say it was
12 kind of an observation. Does anybody have any problem with
13 that?

14 MR. BECHTEL: I'm sorry, I didn't -- I didn't
15 hear.

16 JUDGE SIPPEL: Well, the numbering system of
17 Appendix A, there seems to be -- there are some internal
18 numbers. They don't necessarily go through one through 22.

19 MR. BECHTEL: Oh, I'm sorry. Okay.

20 JUDGE SIPPEL: But there are enough in there that
21 we can --

22 MR. BECHTEL: That's fine.

23 JUDGE SIPPEL: -- all handle the document.

24 MR. BECHTEL: That's fine.

25 JUDGE SIPPEL: All right. Any objection to

1 receiving it into evidence?

2 MR. BECHTEL: I would like to have voir dire on
3 Appendix A, and I notice we have the pleasure of Ms. Gilmore
4 in our presence this morning, and if today is the time that
5 you do that voir dire, I would ask your indulgence to give
6 me the lunch hour to prepare for the questions.

7 JUDGE SIPPEL: Well, Ms. Gilmore didn't prepare
8 this exhibit. I mean --

9 MR. HUTTON: She did. She did.

10 JUDGE SIPPEL: Oh, all right.

11 MR. HUTTON: She is the sponsor of this appendix
12 to Exhibit 8.

13 JUDGE SIPPEL: Okay, so Ms. Gilmore is sponsoring
14 the exhibits to the testimony of Ms. Bradley?

15 MR. HUTTON: She's sponsoring Appendix A.

16 JUDGE SIPPEL: Only Appendix A?

17 MR. HUTTON: Only Appendix A to Ms. Bradley's
18 Exhibit 8.

19 JUDGE SIPPEL: All right. All right. Now, what
20 about the other appendices? Are there other --

21 MR. BECHTEL: There's an Appendix B.

22 JUDGE SIPPEL: Yes. I try to anticipate -- are
23 there other witnesses -- well, she's going to be here to
24 testify.

25 MR. BECHTEL: She's going to be here to testify,

1 and we need voir dire on that because we just got something
2 called a "Corrections" to it, but it's a lot more than just
3 corrections, and this redoes quite a few things in it. And
4 we thought maybe we could have gotten by without voir dire
5 on the first part when we studied it, but now that they've
6 made a number of changes in the dates and the composite
7 weeks and so on.

8 When we get to B, I'm going to ask for the
9 opportunity to have voir dire on Ms. Bradley.

10 JUDGE SIPPEL: I see.

11 MR. BECHTEL: And she has been called to testify.

12 JUDGE SIPPEL: How about, are there any other
13 appendices?

14 MR. BECHTEL: That will go through the Appendices
15 C through --

16 JUDGE SIPPEL: I didn't finish my question really.
17 Are there any other appendices as to which you're going to
18 want voir dire testimony, or I should say --

19 MR. BECHTEL: No, sir.

20 JUDGE SIPPEL: No? That will be it?

21 MR. BECHTEL: That's it.

22 JUDGE SIPPEL: So if we get through A and B, we
23 will be all set as far as voir dire goes?

24 MR. BECHTEL: That's right.

25 JUDGE SIPPEL: Is Ms. Bradley in town?

1 MR. HUTTON: No.

2 JUDGE SIPPEL: Okay. Well, we'll deal with what
3 we can. We'll deal with what we can. Do you want to break
4 for lunch now and come back a little bit earlier and start
5 with -- would that be --

6 MR. BECHTEL: We can do that or -- I think --
7 well, however you wish to do. I do not have a lot of
8 objections for most of the balance of the exhibits.

9 JUDGE SIPPEL: All right. Well, do you want to do
10 that or do you want -- you do want the time to prepare,
11 however?

12 MR. BECHTEL: I want the noon break to finish my
13 notes.

14 JUDGE SIPPEL: Would you have any objection? We
15 can do that. Instead of coming back at 1:00, we could come
16 back at 12:30, 12:35. Would that be all right?

17 MR. HUTTON: That's fine with me.

18 MR. COLE: Your Honor, I thought we had a 90-
19 minute lunch break.

20 JUDGE SIPPEL: Didn't I give you a 90-minute lunch
21 break? What did I do? Did I just lose something here? I
22 guess I did. I'm sorry, I take that back. Five minutes to
23 one.

24 MR. COLE: Well, five minutes after one.

25 JUDGE SIPPEL: Five minutes after one? I try to

1 cheat.

2 (Laughter.)

3 JUDGE SIPPEL: All right, I'll settle for five
4 minutes after one by the clock in the back of the room.

5 Are we all set? We'll be back here at five -- and
6 of course, Ms. Gilmore will have to be here. She
7 understands that?

8 MR. HUTTON: Yes.

9 JUDGE SIPPEL: She will be administered the oath
10 and she'll go through the voir dire under oath.

11 MR. HUTTON: Right.

12 JUDGE SIPPEL: All right. We're in recess until
13 five minutes after one by that clock in the back of the
14 room.

15 Thank you.

16 MR. COLE: Thank you, Your Honor.

17 (Whereupon, at 11:38 p.m., the hearing in the
18 above-entitled matter was recessed, to resume at 1:05 p.m.,
19 this same day, Tuesday, January 4, 2000.)
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A F T E R N O O N S E S S I O N

(1:05 p.m.)

JUDGE SIPPEL: We're back on the record.

Mr. Bechtel, you want to conduct some voir dire of Ms. Gilmore?

MR. BECHTEL: We had a conversation during the lunch hour. Tom, would you like to share with the Court our conversation?

MR. HUTTON: I would. Actually, could we go off the record for a minute?

JUDGE SIPPEL: Any objection to going off the record?

MR. BECHTEL: No. No.

JUDGE SIPPEL: Let's go off the record.

(Discussion off the record.)

JUDGE SIPPEL: Okay, let's go back on the record.

We had a scheduling discussion off the record, and Ms. Gilmore's voir dire and any possible cross-examination with respect to preparation of Reading Exhibit 8 will be conducted tomorrow afternoon, preferably, you know, before 2:00, starting before 2:00 if that's convenient to yourselves and the witness, and so that we're sure we complete it tomorrow.

That's all that both -- then what's our next order

1 of business?

2 MR. HUTTON: I think we're moving on to Appendix
3 B. Oh, one additional thing. Ms. Gilmore will give you the
4 signature page for her declaration.

5 JUDGE SIPPEL: All right. And this all is in
6 connection with Appendix A?

7 MR. HUTTON: That's Appendix A, at the end.

8 JUDGE SIPPEL: Thank you.

9 JUDGE SIPPEL: So what I will do then is I will
10 defer -- we will have this marked as Appendix A, but we
11 won't -- we won't act on it or receive it into evidence at
12 this time.

13 All right, I do have -- I have it marked on my
14 score card as the date identified.

15 Okay. Do you have it down as identified?

16 THE COURT REPORTER: Yes.

17 JUDGE SIPPEL: All right.

18 MR. COLE: Excuse me, Your Honor. That has not
19 been offered yet. Is that correct?

20 JUDGE SIPPEL: Well, it's been offered. I mean,
21 I'm accepting it -- I mean, I'm treating it as having been
22 offered. It's just that there is not going to be any ruling
23 on it until the opportunity to voir dire and cross-examine.
24 But it's identified.

25 MR. COLE: Thank you.

1 JUDGE SIPPEL: The next item is Appendix 8-B?

2 MR. HUTTON: Right.

3 JUDGE SIPPEL: Do you want to describe that for
4 the record and explain what it is and then offer it?

5 MR. HUTTON: Okay. Appendix B is entitled
6 "Appendix B," and it consists of nine pages of text,
7 followed by a series of five public notices, and then on the
8 page marked 10 is the supporting declaration of Kimberley
9 Bradley. Following that are copies of program logs for the
10 following dates: Wednesday, August 23, 1989, that is nine
11 pages. I'm sorry.

12 (The document referred to was
13 marked for identification as
14 Reading Appendix 8-B.)

15 THE COURT REPORTER: Excuse me. Am I supposed to
16 have a page 10? I don't have a page 10.

17 MR. HUTTON: There is a page 10. Oh, yeah, it's
18 the declaration page.

19 JUDGE SIPPEL: Let's go off the record for a
20 minute.

21 (Discussion off the record.)

22 JUDGE SIPPEL: You may go ahead, Mr. Hutton.

23 MR. HUTTON: All right, thanks.

24 Appendix B starts off with nine pages of text,
25 followed by five pages of FCC public notices, followed by a

1 declaration from Ms. Bradley and a copy of that is missing
2 from the court reporter's blinder, and I asked for leave to
3 submit that tomorrow to the reporter. And then following
4 that are a series of program logs that I'd like to describe
5 one by one.

6 JUDGE SIPPEL: Well, I'll permit you to submit,
7 what is it, an affidavit of Ms. Bradley? Is that what it
8 is?

9 MR. HUTTON: The declaration, yes.

10 JUDGE SIPPEL: Declaration tomorrow, but you have
11 blue separators in between some of these --

12 MR. HUTTON: Right. Those separate the individual
13 years.

14 JUDGE SIPPEL: I see. Now, where would her
15 affidavit go? Where would her declaration go?

16 MR. HUTTON: It is prior to all of the program
17 logs. It is the first page prior to the -- if you go to the
18 first blue separator there are two program logs; one for
19 Wednesday, August 23, 1989 and one for Tuesday, September
20 19, 1989. Her declaration precedes those logs.

21 JUDGE SIPPEL: What I am finding is -- oh, the
22 first folder I have would be for January 1990. I'm not
23 sure -- it's entitled "GB Discrepancies and Equipment
24 Failure Report."

25 MR. HUTTON: Right.

1 JUDGE SIPPEL: Are we talking about the same
2 thing?

3 MR. HUTTON: Yes. Yes.

4 JUDGE SIPPEL: All right, well, let's call it what
5 the document says it is.

6 Well, now, then below that blue separator I do
7 find a September '89, and what else should be finding?

8 MR. HUTTON: An August 23 of 1989.

9 JUDGE SIPPEL: Well, the August 23rd comes right
10 after this Appendix B document. I've got Appendix B, and
11 then I have August 23, 1989.

12 MR. HUTTON: Okay, I think you're missing the
13 declaration also.

14 JUDGE SIPPEL: All right, let's go off the record
15 for just a minute.

16 (Discussion off the record.)

17 JUDGE SIPPEL: Okay, so what I have then -- what I
18 now have is the tab which says "Spreadsheets With Compiled
19 Data From Composite Week Program Logs," and then the first
20 document I have is Appendix B narrative, right?

21 MR. HUTTON: Right.

22 JUDGE SIPPEL: That's Roman Numeral I. Then I go
23 I, II, III, IV, V, VI, VII, VIII, IX, and then I have a
24 public notice.

25 MR. HUTTON: There are five pages of public

1 notices, from 1979 through 1983.

2 JUDGE SIPPEL: I have that.

3 MR. HUTTON: All right.

4 JUDGE SIPPEL: And then I have a declaration which
5 is going to be executed.

6 MR. HUTTON: Yes.

7 MS. GILMORE: You have the draft.

8 JUDGE SIPPEL: Oh, I have it, okay.

9 Now, you may submit that -- can she do that
10 tomorrow, by tomorrow?

11 MR. HUTTON: We can give you that tomorrow.

12 JUDGE SIPPEL: All right, let's do it tomorrow
13 then.

14 MR. HUTTON: Okay. And then --

15 JUDGE SIPPEL: Now, where do we go from there? We
16 go into these TV discrepancies?

17 MR. HUTTON: Well, we go into the logs, and each
18 of the logs is preceded with a TV Discrepancies and
19 Equipment Failure Report. So we start with Wednesday,
20 August 23, 1989. There is a one-page discrepancy report,
21 followed by 12 pages of logs for that date.

22 Following that we get to Tuesday, September 19,
23 1989. There is a two-page TV Discrepancies and Equipment
24 Failure Report, followed by a log of 12 pages for that date.

25 JUDGE SIPPEL: All September 19th, right?

1 MR. HUTTON: Yes.

2 JUDGE SIPPEL: All right.

3 MR. HUTTON: Then we get into the next year, next
4 calendar year.

5 JUDGE SIPPEL: That's why there is a blue
6 separator?

7 MR. HUTTON: Yes. Yes.

8 The first page there is a one-page TV
9 Discrepancies and Equipment Failure Report for Sunday,
10 January 7, 1990, and that is followed by eight pages of
11 program logs for that date.

12 Following that appears a one-page TV Discrepancies
13 and Equipment Failure Report for Wednesday, February 7,
14 1990, and that is followed by eight pages of program logs
15 for that date.

16 Following that we've got a two-page TV
17 Discrepancies and Equipment Failure Report for Tuesday,
18 March 27, 1990, and that is followed by eight pages of logs.

19 Following that we've got a one-page TV
20 Discrepancies and Equipment Failure Report for Thursday,
21 April 26, 1990, and that is followed by eight pages of logs.

22 Following that we've got a one-page TV
23 Discrepancies and Equipment Failure Report dated Monday, May
24 14, 1990, and following that we've got eight pages of logs
25 for that date.

1 Next, we have a one-page TV Discrepancies and
2 Equipment Failure Report for Saturday, July 21, 1990,
3 followed by eight pages of logs for that date.

4 Next, we have a one-page TV Discrepancies and
5 Equipment Failure Report for Friday, September 14, 1990,
6 followed by eight pages of logs. And that concludes the
7 1990 composite week.

8 Now we go into 1991, following the next blue
9 separator. We've got a one-page TV Discrepancies and
10 Equipment Failure Report for Wednesday, January 30, 1991,
11 followed by eight pages of logs.

12 Next, we've got a one-page TV Discrepancies and
13 Equipment Failure Report for Friday, February 22, 1991,
14 followed by eight pages of logs.

15 Next, we've got a one-page TV Discrepancies and
16 Equipment Failure Report for Monday, April 8, 1991, followed
17 by eight pages of logs for that date.

18 Next, we've got a one-page TV Discrepancies and
19 Equipment Failure Report for Saturday, May 18, 1991,
20 followed by eight pages of logs.

21 Next, we've got a one-page TV Discrepancies and
22 Equipment Failure Report for Tuesday, July 2, 1991, followed
23 by eight pages of logs.

24 Next, we've got a one-page TV Discrepancies and
25 Equipment Failure Report for Sunday, August 11, 1991,

1 followed by eight pages of logs for that date.

2 Next, we have got a one-page TV Discrepancies and
3 Equipment Failure Report for Thursday, September 12, 1991,
4 followed by eight pages of logs for that date. And then
5 we -- and then that kind of shows the 1991 composite week
6 analysis.

7 Then we go into 1992. We start after the blue
8 separator with a one-page TV Discrepancies and Equipment
9 Failure Report for Friday, January 17, 1992, followed by
10 eight pages of logs for that date.

11 Next, we've got a one-page TV Discrepancies and
12 Equipment Failure Report for Thursday, February 6, 1992,
13 followed by eight pages of logs for that date.

14 Next, we've got a one-page TV Discrepancies and
15 Equipment Failure Report for Wednesday, April 8, 1992,
16 followed by eight pages of logs for that date.

17 Next, we've got a one-page TV Discrepancies and
18 Equipment Failure Report for Saturday, May 23, 1992,
19 followed by eight pages of logs for that date.

20 Next, we have a one-page TV Discrepancies and
21 Equipment Failure Report for Sunday, July 14, 1991, followed
22 by eight pages of logs for that date.

23 Next, we have a one-page TV Discrepancies and
24 Equipment Failure Report for Monday, October 7, 1991,
25 followed by eight pages of logs for that date.

1 And next, we've got a one-page TV Discrepancies
2 and Equipment Failure Report for Tuesday, November 19, 1991,
3 followed by eight pages of logs for that date, and then that
4 finishes the 1991 analysis.

5 For 1992, we've got a one-page -- after the blue
6 separator, we've got a one-page TV Discrepancies and
7 Equipment Failure Report for Wednesday, July 8, 1992,
8 followed by eight pages of logs for that date.

9 Next, we've got a one-page TV Discrepancies and
10 Equipment Failure Report for Friday, August 21, 1992,
11 followed by eight pages of logs for that date.

12 Next, we've got a one-page TV Discrepancies and
13 Equipment Failure Report for Thursday, September 24, 1992,
14 followed by eight pages of logs for that date.

15 Next, we've got a one-page TV Discrepancies and
16 Equipment Failure Report for Monday, October 26, 1992,
17 followed by eight pages of logs for that date.

18 Next, we've got a one-page TV Discrepancies and --
19 two-page TV Discrepancies and Equipment Failure Report for
20 Saturday, December 19, 1992, followed by eight pages of logs
21 for that date.

22 Next, we've got a two-page TV Discrepancies and
23 Equipment Failure Report for Tuesday, March 16, 1993,
24 followed by eight pages of logs for that date.

25 Next, we've got a two-page TV Discrepancies and

1 Equipment Failure Report for Sunday, April 18, 1993,
2 followed by eight pages of logs for that date.

3 Then after the blue separator, we start with a
4 two-page TV Discrepancies and Equipment Failure Report for
5 Friday, January 11, 1994, followed by 12 pages of logs for
6 that date.

7 Next, we've got a two-page TV Discrepancies and
8 Equipment Failure Report for Sunday, March 6, 1994, followed
9 by 12 pages of logs for that date.

10 Next, we've got a two-page TV Discrepancies and
11 Equipment Failure Report for Monday, April 4, 1994, followed
12 by 12 pages of logs for that date.

13 Next, we've got a two-page TV Discrepancies and
14 Equipment Failure Report for Saturday, May 21, 1994,
15 followed by 12 pages of logs for that date.

16 And finally, we have a two-page TV Discrepancies
17 and Equipment Failure Report for Thursday, June 23, 1994,
18 followed by 12 pages of logs for that date.

19 JUDGE SIPPEL: Okay, does that conclude then your
20 description of Reading's Exhibit 8?

21 MR. HUTTON: Exhibit 8, Appendix B, that's
22 correct, Your Honor.

23 JUDGE SIPPEL: And you're offering it into
24 evidence at this time?

25 MR. HUTTON: Yes, I am.

1 JUDGE SIPPEL: Is there any objection?

2 MR. BECHTEL: In light of the very recent addition
3 of, receipt of substantial changes in the statistics -- in
4 the logs and the dates, the week and so on, I would like the
5 opportunity to conduct voir dire of Ms. Bradley before
6 taking a position on the admission of Appendix B.

7 JUDGE SIPPEL: Mr. Hutton, can you make her
8 available?

9 MR. HUTTON: She will be available as of Thursday.
10 That's when she was scheduled to come in for the hearing.

11 JUDGE SIPPEL: Oh, all right. All right.

12 MR. BECHTEL: That's fine.

13 JUDGE SIPPEL: Is that okay, we can wait till
14 Thursday?

15 MR. BECHTEL: That's fine.

16 JUDGE SIPPEL: So we're deferring on Appendix A
17 for Ms. Gilmore; we're deferring on Appendix B for Ms.
18 Bradley.

19 MR. HUTTON: That's fine, Your Honor. I want to
20 give you copies of the corrected Appendix B pages. Ms.
21 Gilmore will give them to you.

22 JUDGE SIPPEL: Mr. Shook?

23 MR. SHOOK: Well, this may go along the lines of
24 what you're just getting. In my version at this moment, I
25 have the TV Discrepancies and Equipment Failure Report for

1 Friday, January 11, 1994, but then the log that follows
2 indicates that it's for Friday, February 11, 1994. I'm not
3 sure if there is a problem with just my set or there is
4 something else going on.

5 JUDGE SIPPEL: Well, let's see what Mr. Hutton has
6 to say.

7 MR. HUTTON: Oh, the text is incorrect. On page 2
8 of the text, at the beginning of Appendix B, under 1994,
9 where it says February 11, 1994, it should be January 11,
10 1994.

11 MR. SHOOK: Right. What I'm referring to is that
12 the logs themselves that I have --

13 MR. HUTTON: Yes, oh.

14 MR. SHOOK: -- reflect that they are for Friday,
15 February 11.

16 MR. HUTTON: Yes. I believe the logs have an
17 incorrect date on them.

18 JUDGE SIPPEL: Are we into '94?

19 MR. HUTTON: Yes. This is a -- these are the logs
20 that appear at the beginning of the last blue tab. The TV
21 Discrepancies and Equipment Failure Report indicates a date
22 of Friday, January 11, 1994. The logs indicate a date of
23 Friday, February 11, 1994.

24 I believe -- I'll double-check this -- I believe
25 that the --

1 JUDGE SIPPEL: Mr. Shook has an eagle eye.

2 MR. HUTTON: I believe the log entries are
3 incorrect. I will double-check that.

4 JUDGE SIPPEL: When you say the log entries, you
5 mean --

6 MR. HUTTON: The date entered on the logs.

7 MR. SHOOK: Somebody got ahead of themselves and
8 put in February rather than January?

9 MR. HUTTON: I think so. I think that Friday
10 could only be a January date. I'd like to double-check
11 that.

12 JUDGE SIPPEL: Well, yes, please do.

13 MR. SHOOK: Does Your Honor's set also reflect
14 Friday?

15 JUDGE SIPPEL: It does. Friday, February 11.
16 Yes, I have exactly as you've described it, Mr. Shook.

17 I'd also, either through counsel or through
18 somebody from the station, I'd like to have somebody explain
19 this. I mean, if these are supposed to be January 11, 1994,
20 logs but they were printed as February 11, 1994, logs, I
21 certainly want a full explanation of that.

22 MR. HUTTON: Well, I think Mr. Bechtel and I could
23 agree that in the course of discovery we did find some
24 discrepancies of this nature in the logs. People got the
25 day of the week wrong or they got the date wrong

1 occasionally. I note that Ms. Bradley was one of the people
2 signing the logs for that date, and I think she can help
3 clarify it.

4 JUDGE SIPPEL: All right. Well, what I am saying
5 is, is that I'm expecting that you are going to do enough
6 inquiry between now and Ms. Bradley's time that if there's
7 somebody else, either above or beneath Ms. Bradley, who has
8 specific information about this, that he needs to clarify
9 it.

10 In other words, I don't want Ms. Bradley to just
11 get on the stand and go half way through it and go, "Oh,
12 well, that was so-and-so who's focused on that particular,"
13 or "I was on vacation," or something like that.

14 Do you know what I'm saying?

15 MR. HUTTON: Well, she signed it so she was there.

16 JUDGE SIPPEL: Let's ask her, okay?

17 MR. HUTTON: Yes, I will.

18 JUDGE SIPPEL: All right. Is there anything else
19 like that?

20 MR. SHOOK: That's the only one I noticed.

21 JUDGE SIPPEL: All right. Well, we're going to
22 defer.

23 Does that get us through Appendix B for today?

24 MR. HUTTON: Yes.

25 JUDGE SIPPEL: What I would intend to do when

1 these appendixes are -- assuming that they are received into
2 evidence, I'm only going to require that the Appendix A
3 identification on the first page be stamped as the exhibit,
4 so that, you know, that will -- that we won't be sitting
5 here stamping every page or every --

6 MR. HUTTON: Yes.

7 JUDGE SIPPEL: -- log report.

8 MR. HUTTON: All right. All right.

9 JUDGE SIPPEL: All right?

10 MR. HUTTON: Yes.

11 JUDGE SIPPEL: Well, all right. Well, I want
12 everybody to know up front because this is the way I'm going
13 to do it, and this is all being done as we go along.

14 MR. HUTTON: I understand.

15 JUDGE SIPPEL: Okay.

16 MR. HUTTON: And I appreciate your indulgence.

17 JUDGE SIPPEL: Oh, that's okay. That's all right.
18 We're with you.

19 Okay, now we're going to the next -- we are now on
20 Volume 3, correct?

21 MR. HUTTON: Yes, we are.

22 JUDGE SIPPEL: That one has a green cover, or a
23 green label.

24 MR. HUTTON: All right, the first item in that
25 binder is tabbed as Appendix C to Exhibit 8, and it is the

1 program/issues report, third quarter of 1989, and it is not
2 paginated so if you want, I can count the pages, but it's
3 not paginated at this point.

4 JUDGE SIPPEL: All right. Well, let's talk about
5 this. We're going to identify this document as your
6 Appendix 8-C, meaning Exhibit 8, Appendix 3, "Program/Issues
7 Report, Third Quarter, 1989."

8 (The document referred to was
9 marked for identification as
10 Reading Appendix 8-C.)

11 JUDGE SIPPEL: Now, am I correct that there are
12 going to be successive program reports following this in
13 different tabs? In my book, it goes down through tab L.

14 MR. HUTTON: Yes, and continuing on through the
15 different volumes.

16 JUDGE SIPPEL: Well, let's just take one volume at
17 a time.

18 MR. HUTTON: That's fine.

19 JUDGE SIPPEL: For illustration purposes, this is
20 Volume 3. Am I to take it that each of these program/issues
21 reports are not going to be numbered? I mean, they're
22 tabbed separately but they're not numbered. Is that --

23 MR. HUTTON: Well, in a number of cases they are
24 numbered. They may not be numbered correctly, but they are
25 numbered. For instance, looking at tab D, there is no

1 numbering. Looking at Appendix E, there is numbering but it
2 starts with a page 8 and continues into 9 and 10.

3 Tab F, the report contains several pages of
4 numbering and then stops. There are some attachments that
5 are not numbered --

6 JUDGE SIPPEL: All right, I hear you.

7 MR. HUTTON: -- and so on.

8 JUDGE SIPPEL: Okay, now, Mr. Shook, you raised a
9 point earlier on -- about handling exhibits that are not
10 numbered. And I'd like to hear what your comment or your
11 position is with respect to this because it's obviously a
12 concern to you. It's a concern to me.

13 MR. SHOOK: Your Honor, I'm trying to think ahead
14 to drafting a findings, and as we go along, to the extent
15 that any witness is going to be cross-examined with
16 reference to any page in any one of these tabs, then it's
17 going to be difficult, if not impossible, for us to follow
18 it later on down the line when we're looking back to see
19 what page we were actually using or what page we want to
20 refer to when we're drafting findings. Unless these pages
21 are numbered in a common fashion that everybody can follow,
22 we're going to have extreme difficulty making use of this
23 material.

24 JUDGE SIPPEL: Mr. Bechtel?

25 MR. BECHTEL: Well, I handled it the best way I

1 could this morning by xeroxing the pages, the unnumbered
2 pages that I don't -- the middle of a big book that I found.
3 Speaking for myself, I don't anticipate a lot of cross-
4 examination of Ms. Bradley or Mr. Mattmiller of the type
5 we're talking about. But for sure, writing findings will be
6 a problem, and I must assume that Reading Broadcasting may
7 write some findings.

8 JUDGE SIPPEL: Well, this presents us with a
9 problem, Mr. Hutton, and I don't know what to tell you to do
10 in terms of, you know, how we can address it, but I mean, I
11 can't say it any better than counsel did.

12 MR. HUTTON: All right.

13 JUDGE SIPPEL: How many of these volumes are we
14 talking about where this is going to be a concern?

15 MR. HUTTON: I think it's Volumes 3 through 10.
16 Volume 11 consists of documents for which we are seeking
17 official notice.

18 JUDGE SIPPEL: Yes.

19 MR. HUTTON: Those aren't numbered, but I wouldn't
20 think that would be a problem.

21 JUDGE SIPPEL: Well, we can think that when we
22 come to it that I am familiar enough with Volume 11 to
23 appreciate that it's a lot different than what we are
24 dealing with here.

25 MR. HUTTON: Right. So you know, I throw myself

1 on the mercy of the Court. If you think that we ought to
2 take them back and get a new set done, we can do that.

3 JUDGE SIPPEL: Well, mechanically, I mean, we do
4 have these quick-start numbering machines. I'm not going to
5 even guess at what you do with them, but there is something
6 faster than just using a pencil and writing down each page
7 number by hand, isn't there?

8 MR. HUTTON: Yes, we can do a mechanical numbering
9 arrangement.

10 JUDGE SIPPEL: Well, I hate to say it, but I don't
11 see any other choice, because I can't address the concerns
12 that Mr. Shook articulated and that were confirmed by Mr.
13 Bechtel. There is nothing I can do to say that, well, don't
14 worry because we can handle it. I can't do that.

15 MR. HUTTON: All right. The one thing I would
16 like to address, though, is, I don't want to go to all that
17 work and expense and then be faced with a ruling that no,
18 we're not going to admit this into evidence. I think we
19 need to --

20 JUDGE SIPPEL: It won't be because it was
21 submitted late, I can assure you of that. You know, we can
22 talk about the generalities of this type of evidence at this
23 point, surely. I mean, I want you leaving here with
24 assurance that you're not doing something just for the sake
25 of doing it and then finding that we're not going to receive

1 it into evidence.

2 MR. HUTTON: Right.

3 MR. SHOOK: From a substantive standpoint, we have
4 no objection.

5 MR. HUTTON: Okay.

6 JUDGE SIPPEL: Mr. Bechtel?

7 MR. BECHTEL: We have no objection, not until we
8 get to tab W, Appendix W.

9 MR. HUTTON: I'm sorry?

10 MR. BECHTEL: I do have an objection.

11 JUDGE SIPPEL: Appendix W, we can look at that
12 separately.

13 MR. HUTTON: Okay.

14 JUDGE SIPPEL: Mr. Bechtel is saying he's going to
15 have an objection to Appendix W. Taking now what we have
16 done, these are now Appendices C through W. Until we get to
17 W, nobody is going to have any objection to these.

18 MR. HUTTON: Okay.

19 JUDGE SIPPEL: So you are not going to be doing --
20 there is not going to be any -- you are not going to be
21 asked to do a fruitless task.

22 MR. HUTTON: All right. I would also like to
23 address a point that Mr. Bechtel made this morning, which is
24 the objection that some of the material in the third quarter
25 issues and programs list falls outside the license term.

1 The license term does not correspond directly with
2 the FCC's quarterly issues and programs requirement. So for
3 the third quarter of 1989, there is one additional month
4 added into the quarterly issues and programs report.

5 For the third quarter of 1994, there are two
6 additional months added in to the quarterly issues and
7 program report. And the way I propose to handle that is
8 simply to have you state for the record that evidence
9 outside the license term is not going to be considered, and
10 rather than -- which seems to me a simpler and saner
11 approach than trying to excise material out of the quarterly
12 report.

13 JUDGE SIPPEL: Would this be more than just taking
14 off the last pages or the last few pages?

15 MR. HUTTON: Yes, it would be.

16 JUDGE SIPPEL: Do you have any problem with that,
17 Mr. Shook?

18 MR. SHOOK: I have no objection, Your Honor.

19 JUDGE SIPPEL: Any objection, Mr. Bechtel?

20 MR. BECHTEL: That was going to be the nature of
21 my comment on Appendix W. I had forgotten about the earlier
22 one.

23 Most of the time you can figure it out because in
24 the back of these things they have affidavits with dates and
25 you can see it by month. But there is some narrative up

1 front that's not -- that doesn't discuss dates, so you look
2 at that and those descriptions of programs and this, that
3 and the other thing. Then, as you go in the back, for most
4 of those descriptions you will have affidavits so that you
5 can look and say, hey, this was this month or that month or
6 the other month, or sometimes maybe you can't find that.

7 I would just leave it to you to -- at this point
8 your eyes are going to be glazed over anyhow -- to fit this
9 whole panorama in and say, "We've got to lop off one month
10 at the beginning and two months at the end." I could do
11 that, you know, and it probably wouldn't be a difficult
12 decision or undertaking. So having made that comment, I am
13 not objecting to tab W.

14 JUDGE SIPPEL: Well, all right. Let's proceed in
15 that fashion, and I think that's one of the benefits of
16 having reply pleadings. I mean, if you think that something
17 is being slipped in that -- I don't mean to say
18 intentionally, but if something is coming in that doesn't
19 belong in, and there is a lot of reliance on it, I'm sure
20 that it will be brought to my attention.

21 On the other hand, I'm also going to do my share
22 of the work and try to figure it out myself. So I'm
23 satisfied, I'm satisfied.

24 All right. Well, I'm sorry I have to say that but
25 I'm afraid that's the way it's going to have to be done. I

1 think the way to proceed on this is that we'll just hang
2 onto what we have and when you get those sets, you know,
3 redone, you can just give us our separate sets independently
4 and we'll take the old ones out and put the new ones in. So
5 I'm trying, you know, to make it as logistically less
6 difficult for you as I possibly can.

7 MR. HUTTON: Okay.

8 JUDGE SIPPEL: Anybody have any objection to that?

9 MR. SHOOK: No, Your Honor.

10 MR. COLE: No.

11 MR. BECHTEL: No, sir.

12 JUDGE SIPPEL: Once you get it done -- I mean, it
13 should move pretty fast as far as mechanically, you know,
14 taking one out and putting the other in, and then we'll just
15 have to come back to them and receive them into evidence in
16 that form. So there's no point in going through these
17 documents today and doing that.

18 Now, the next question, the toughest question I
19 have for you, is how soon can we have them? Again, you
20 know, I don't want -- I don't want people at the presses 24
21 hours a day. I mean, but how fast can you do it?

22 (Pause.)

23 MR. HUTTON: I think we can do it by Thursday.

24 JUDGE SIPPEL: Would that make sense, to move the
25 testimony up till tomorrow? Could we do that? Could we

1 bring Mrs. Bradley in tomorrow and take testimony of her and
2 Mrs. Gilmore, and then use Thursday as the date to get at
3 these -- well, to do what, you know, we have to do?

4 MR. BECHTEL: Judge, I'm not going to get into
5 these very much with Ms. Bradley, only with Mr. Mattmiller.
6 To the extent I want to, and if the exhibits aren't here, I
7 can do as I did today, and I can do a cross-examination with
8 the packet of the documents that I want them to look at.
9 But if these are available on Thursday, it would be better
10 to have Kim Bradley here then too, because she would be the
11 one that someone -- Mr. Shook perhaps -- would want to take
12 issue with on this.

13 There is Mr. Kase -- if they don't get it the
14 first thing in the morning Thursday with Mr. Kase -- who I
15 don't think will be involved in this. Some of Mr.
16 Mattmiller's stuff doesn't -- that we have for him doesn't
17 involve this. And so it seems to me that we can go forward
18 with the Thursday schedule, maybe start with Mr. Kase and
19 then Mr. Mattmiller or whatever.

20 JUDGE SIPPEL: Well, let's do this. We will
21 finish up with what we can with Reading, and then we'll move
22 into the Adams documents, and then we'll start with the --
23 you know, the testimony -- I'm sorry, we're going to do Mrs.
24 Gilmore tomorrow afternoon.

25 MR. HUTTON: Yes, and I don't know if I heard you

1 correctly. I thought I heard you suggest moving Ms. Bradley
2 up to tomorrow, and that's just not possible. She --

3 JUDGE SIPPEL: Well, I'm off of that.

4 MR. HUTTON: Okay.

5 JUDGE SIPPEL: Yes, I've already thought about
6 that and forgotten about it.

7 MR. HUTTON: Okay.

8 JUDGE SIPPEL: But thank you. Thank you.

9 This will be all right, and then, yes, there has
10 to be a decent interval when you deliver those renumbered
11 pages. We're going to have to have time to have somebody
12 put them in the binders for us so that we can use them, and
13 then we're back on. But we will work around that.

14 MR. HUTTON: Okay.

15 JUDGE SIPPEL: We have enough to do. I'm
16 satisfied.

17 All right, then let's put the Reading volumes away
18 with the exception of Volume 11, which is the -- you're
19 asking official notice of these documents with the exception
20 of the one report, of course, that we talked about this
21 morning. That's your Exhibit 14, I believe.

22 (Pause.)

23 MR. HUTTON: All right, the first document for
24 which we are seeking official notice is Reading Exhibit 9.
25 That's the license renewal application on FCC Form 303S

1 filed by Reading Broadcasting, Inc., on April 7, 1994.

2 JUDGE SIPPEL: Does the reporter have that to mark
3 for identification?

4 THE COURT REPORTER: No, I don't have that.

5 JUDGE SIPPEL: You don't have that yet? It's in
6 Volume 11.

7 THE COURT REPORTER: Thank you.

8 JUDGE SIPPEL: Now, this is marked for
9 identification then as Reading Exhibit 9.

10 (The document referred to was
11 marked for identification as
12 Reading Exhibit No. 9.)

13 MR. HUTTON: Yes, let me identify it a little more
14 precisely. The material appearing before the first blue
15 separator is the application as it was originally filed.
16 Following the first blue separator there are seven pages
17 consisting of an amendment to that application, filed on
18 August 3, 1994. Following the next blue separator, there
19 are five pages consisting of an amendment to the application
20 filed on February 3, 1997. Following that are six pages
21 consisting of an amendment filed with the FCC on March 11,
22 1997.

23 And after the next blue separator, there are three
24 pages consisting of a Petition for Leave to Amend an
25 Amendment, filed, it looks like, September 18, 1997.

1 JUDGE SIPPEL: Okay, so those are renewal
2 applications with amendments that were filed in 19 -- I'm
3 sorry, what's that first one, August 3rd of 1994?

4 MR. HUTTON: Yes.

5 JUDGE SIPPEL: And then February 3 of '97, March
6 11 of '97 and September 18 of '97; is that right?

7 MR. HUTTON: Yes.

8 JUDGE SIPPEL: Have I got that right?

9 MR. HUTTON: Yes.

10 JUDGE SIPPEL: We have a notice that there's --
11 we're still confronted with a page-numbering problem,
12 although certainly not to the degree of the others. Let me
13 hear the views of counsel on that too.

14 Mr. Shook?

15 MR. SHOOK: Your Honor, we can survive lack of
16 page numbering with respect to Exhibit 9.

17 JUDGE SIPPEL: Mr. Bechtel?

18 MR. BECHTEL: I think so too.

19 JUDGE SIPPEL: All right. Is there any objection
20 to receiving Exhibit 9 into evidence?

21 MR. BECHTEL: None, sir.

22 JUDGE SIPPEL: Very well, we will receive 9. Nine
23 will be received in evidence.

24 (The document referred to,
25 previously identified as

Heritage Reporting Corporation
(202) 628-4888

1 Reading Exhibit No. 9, was
2 received in evidence.)

3 JUDGE SIPPEL: That brings us up to 10, Reading
4 Exhibit 10 for identification.

5 MR. HUTTON: Reading Exhibit 10 consists of the
6 application of Adams Communications Corporation on FCC Form
7 301, as originally filed on June 30, 1994, with a cover
8 letter from counsel.

9 There is a blue separator and after the blue
10 separator there is an amendment filed by Adams. It consists
11 of six pages and was filed on April 30, 1999.

12 JUDGE SIPPEL: Okay.

13 MR. HUTTON: One thing I'd like to note, we
14 obtained the application from the Commission's files. And
15 those files appear to be missing a page in the original
16 application, a page of ownership information. We have tried
17 to obtain that. Do we have that?

18 Okay, I'm sorry. I'm mistaken. It includes all
19 the ownership information.

20 JUDGE SIPPEL: So it's complete?

21 MR. HUTTON: Okay, yes, it is complete. I'm
22 sorry.

23 JUDGE SIPPEL: All right, is there any objection
24 to receiving that into evidence?

25 MR. BECHTEL: None, sir.

1 JUDGE SIPPEL: Okay. Mr. Shook?

2 MR. SHOOK: We're okay.

3 JUDGE SIPPEL: All right. Then as you've
4 described it, Reading Exhibit No. 10 for identification is
5 hereby received in evidence as Exhibit 10.

6 (The document referred to was
7 marked for identification as
8 Reading Exhibit No. 10 and was
9 received in evidence.)

10 JUDGE SIPPEL: And then we're into Exhibit 11.

11 MR. HUTTON: Exhibit 11 consists of a series of
12 ownership reports filed by Reading Broadcasting, Inc. The
13 first one was filed on May 31, 1988. Following the blue
14 separator, there is certification of "no change," filed on
15 March 28, 1989. Following the blue separator, there is an
16 ownership reported dated March 28, 1991. It appears to have
17 been filed on April 5, 1991.

18 MR. SHOOK: Excuse me. Before you go on, after
19 the March 28, 1989, certification, I've got something that
20 reflects a filing date of April 2, 1990.

21 JUDGE SIPPEL: Well, let's go back.

22 MR. HUTTON: Oh, you're right.

23 JUDGE SIPPEL: Let's go back and do it again.

24 MR. HUTTON: All right. We're missing a blue
25 separator, I think. The March --

1 JUDGE SIPPEL: This is Exhibit 11 now?

2 MR. HUTTON: Exhibit 11, after the first blue
3 separator, there is a two-page "no change" certification
4 filed on March 28, 1989, followed by a one-page "no change"
5 certification filed on April 2, 1990.

6 JUDGE SIPPEL: I'm following you.

7 MR. HUTTON: Okay. Following the blue separator,
8 there is a 1991 ownership report, and it was dated March 28,
9 1991. It appears to have been filed on April 5, 1991.
10 Following the blue separator --

11 JUDGE SIPPEL: Where do you get the filing date?
12 I can't find the filing date on mine.

13 MR. HUTTON: If you look on the side of the front
14 page --

15 JUDGE SIPPEL: Oh, I see. Yes, I see it.

16 MR. HUTTON: -- there is an entry that appears to
17 have been entered by the Secretary's office.

18 JUDGE SIPPEL: April 5, 1991.

19 MR. HUTTON: Right.

20 JUDGE SIPPEL: I see it.

21 MR. HUTTON: All right, following the blue
22 separator, there is an ownership report dated April 9, 1992.
23 It appears to have been filed on April 16, 1992. Following
24 the next blue separator, there is a "no change"
25 certification dated March 31, 1993, and it appears to have